

**BUREAU OF ENVIRONMENTAL REMEDIATION/REMEDIAL SECTION
POLICY**

VCPRP INITIAL DEPOSITS FOR GROUPED PROPERTIES

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ORIGINATOR

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REMEDIAL SECTION POLICY- VCP-001
Voluntary Cleanup and Property Redevelopment Program (VCPRP)
Initial Deposits for Grouped Properties

CONSIDERATIONS

- 1) K.S.A. 65-34, 165 (e) provides that upon determination that an applying property is eligible to participate in the VCPRP, the applicant shall post an initial deposit of not to exceed \$5,000, to cover the department's direct and indirect costs in administration of the program.
- 2) K.A.R. 29-71-7 (a) establishes the required amount of initial deposit based upon the determined "contamination classification" of the applying property.
- 3) For applying properties demonstrating the following characteristics, special considerations concerning initial deposit requirements may be allowed (as determined by the department):
 - a. an applicant wishes to apply to the VCPRP for four or more properties at the same time in the same geographical region which, if all applying properties were determined eligible, the cumulative initial deposit amount for all properties would exceed \$10,000;
 - b. the applicant can demonstrate control of, or access to all properties for which application has been or will be made and there will be one single point of contact for the applicant for all applying grouped properties;
 - c. the source mechanism(s) and suspected contaminants are determined to be similar¹ for all applying properties;
 - d. the applying properties are generally located in the same region of the State²; and
 - e. all applying properties are, or can be, determined by the department to be eligible.

¹ Similar means the same types of releases such as crude oil releases from cross-country pipelines, refined petroleum releases from pipelines, or mercury spills from pipelines manometer/metering locations, etc. (Some general types of contaminants releases, discharged, or spilled by similar mechanism and investigation, monitoring and cleanup requirements for response to the release are similar). The ultimate determination of similarity will be made by the department.

² Same region of the State means properties geographically situated within a single KDHE district office area or river basin. The ultimate determination on similarity will be made by the department.

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For groups of four (4) or more properties applying the VCPRP that meet the criteria specified for special considerations above, if desired by the applicant, the initial deposit may be established as \$1,000 per property subject to the following process requirements:

- 1) Initial deposits provided for a group of properties will be placed into the Voluntary Cleanup and Property Redevelopment Program Fund with a \$1000 initial deposit per property.
- 2) KDHE will not bill oversight costs to the \$1000 initial deposit but will bill the Voluntary Party for oversight costs as incurred on a quarterly basis for the duration of the project provided the Voluntary Party pays the invoices on a timely basis. If timely remittance of invoiced oversight costs is not provided, the Voluntary Party may be required to post an initial deposit per site based on the contamination classification of each specific property. Oversight charges will be tracked and invoiced on a property-specific basis.
- 3) No Further Action determinations will be provided on a property-specific basis as individual properties in a group meet respective requirements for receiving such determinations in accordance with applicable statutes, regulations, and policy.
- 4) Forfeiture of initial deposits will be considered on a property-specific basis and will be conducted in accordance with applicable statutes, regulations, and policy.
- 5) Refunds of initial deposits will be made on a property-specific basis only upon the department's issuance of the No Further Action determination or mutual termination of the Voluntary Agreement for a property.